IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 9 OF 2005

Premji Meghaji Shah Alias
Gindra ..Appellant

Vs.

1. Nirmala Dhirajalal Shah and
ors. ..Respondents

Mr. Sandesh Patil for the appellant.
Mr. P.K. Dhakephalkar with Mr. Niranjan Shimpi for Respondents.

CORAM: B.H. MARLAPALLE, J.

Date : June 29, 2005.

P.C.:

1. Heard Mr. Patil, the learned counsel for the appellant-defendant and Mr. Dhakephalkar with Mr. Shimpi, the learned counsel for the respondents-plaintiffs.

2. In Special Civil Suit No.73 of 2002 an application at Exh.5 was filed for temporary injunction and the same has been rejected by the trial court vide its impugned order dated 4/11/2004. In the connected Appeal i.e. A.O. No.177 of 2005 the

plaintiffs had challenged the appointment of Court Receiver and the said order has been confirmed with some modifications and the appeal has been disposed off. This order passed in A.O. No.177 of 2005 protects the interest of the plaintiffs and in any case the view taken by the trial court in rejecting the application for injunction does not call for any interference. With the appointment of the Court Receiver the plaintiffs would not suffer any irreparable loss which they had apprehended and prayed for injunction against the defendants.

3. Hence, this appeal fails at the threshold and the same is hereby dismissed in limine.

(B.H. Marlapalle,J.)